

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE VIVENDI UNIVERSAL, S.A.  
SECURITIES LITIGATION

02 Civ. 5571 (RJH) (HBP)

**ORDER**

This Document Relates To:

ALL ACTIONS  
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Several parties have requested clarification with regard to three motions decided by the Court in its March 13, 2009 and March 17, 2009 orders. The Court makes the following qualifications with regard to those orders:

1. With regard to Jean-Marie Messier's motion for partial summary judgment [633], for the reasons stated on the record at the March 2, 2009 conference, that motion is DENIED, except with respect to (a) plaintiffs' claims under Rule 10b-5(a) and 10b-5(c), and (b) those claims founded on any statements made after Messier resigned. The Court has not, however, granted summary judgment with respect to the 23 alleged misstatements not attributed specifically to Messier in plaintiffs' interrogatory responses. Such a ruling would be inconsistent with the Court's holding that, depending on the evidence at trial, both defendants Messier and Hannezo could be primarily liable for statements made by Vivendi itself. To the extent the Court indicated otherwise at the March 2 conference, it misspoke.

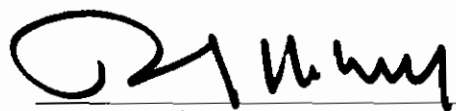
2. With regard to Guillaume Hannezo's motion for partial summary judgment [637], for the reasons stated on the record at the March 2, 2009 conference, that motion is DENIED, except with respect to (a) plaintiffs' claims under Rule 10b-5(a) and 10b-5(c), (b) those claims founded on any statements made after Hannezo ceased to be Chief Financial Officer of Vivendi,

(c) those claims alleging Hannezo's primary liability for oral statements made by defendant Messier, and (d) Liberty Media's unjust enrichment claim.

3. With regard to Guillaume Hannezo's motion to dismiss the complaints brought by various Individual Plaintiffs [584], the Court did not intend its Order dated March 17, 2009 to extend to plaintiff Pioneer Investments Austria GmbH.

SO ORDERED.

Dated: New York, New York  
April 4, 2009

  
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Richard J. Holwell  
United States District Judge